THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION Nos.2490 of 2000 and 24708 of 2002

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Dated 21-02-2006

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WRIT PETITION No. 2490 of 2000

Between:

K.Laxma Reddy & others.

..... PETITIONERS

AND

The A.P.Generation Corporation Ltd Rep by its Member - Secretary Vidyuth Soudha , Khairatabad Hyderabad & another.

.....RESPONDENTS

WRIT PETITION No.24708 of 2002

Between:

Tharagala Nageshwar Rao.

..... PETITIONERS

AND

Andhra Pradesh Generation Corporation Limited, Rep. by its Mamber - Secretary, Vidyuth Soudha, Khairatabad, Hyderabad & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION Nos.2490 of 2000 and 24708 of 2002

COMMON ORDER:

Petitioners herein seek a declaration from this Court that the selections made, pursuant to the notification issued by the second respondent on 02-02-1999 to the posts of Junior Plant Attendants, is arbitrary and illegal, and for a consequential direction that they be appointed in the posts of Junior Plant Attendants pursuant to the notification dated 02-02-1999.

Facts, in brief, are that the petitioners are those who have completed their I.T.I Course and underwent apprenticeship in various private industries. Respondents notified 222 posts of Junior Plant Attendants in Kothagudem Thermal Power Station, V-Stage and also invited applications through employment exchange. The petitioners are said to have applied to the posts of Junior Plant Attendants, to have

been issued call letters and to have attended the interview. A Select list, informing their selections, was published on 03-01-2000. It is stated that 40% additional marks were given to the casual labourers, who were earlier working in the Kothagudem Thermal Power Station, contrary to the notifications resulting in the petitioners not being selected. It is contended that the action of the respondents in not giving preference to persons who had completed their apprenticeship, and instead, giving weightage of 40% marks to erstwhile casual labourers of Kothagudem Thermal Power Station, V-Stage, is arbitrary and illegal, more so, since the notification does not provide for any such relaxation. Reference is made to the judgment of the Apex Court in **U.P. State Road Transport Corporation v. U.P. Parivahan Nigam Shishukhs Berozgar Sangh**, in support of the contention that candidates who have undergone apprenticeship should be given preference over general candidates while making appointments.

Sri C.Damodar Reddy, learned counsel for the petitioners, would submit that the petitioners not only have I.T.I qualification, have undergone apprenticeship, but also possess the National Apprenticeship Certificate and are fully qualified for being appointed as Junior Plant Attendants. Learned counsel would rely on **K.Ravinder and others v. A.P.Generation Corporation Ltd., Hyd.**, wherein this Court deprecated the action of the respondents in giving 50% marks and had directed the respondents to review the list of selected candidates restricting the extent of weightage to 10% marks. Learned counsel would submit that despite the orders of this Court, the respondents had not reviewed the selection and had, in fact, chosen to appoint those who had not been selected in the earlier notification or those whose cases were directed to be considered by this Court. Learned counsel would seek similar consideration for the petitioners herein to be appointed as Junior Plant Attendants in the respondent-Corporation.

Smt E.Urmila, learned Standing counsel appearing for the respondent-Corporation, would submit that pursuant to the orders of this Court in **K.Ravinder** (1 supra) (W.P.No.23429 of 2000 and batch, dated 06-09-2000), the respondent-Corporation had again undertaken the exercise of reviewing the earlier selections. Learned Standing counsel would submit that while the last selected candidates in O.C. secured 82.77%; BC secured 80.84% and S.C. secured 79.34%, petitioners 1 and 2, who belong to O.C. secured lesser percentage of 70.13 and 61.31 respectively, petitioners 3 to 5, who belong to the backward classes, secured

71.14%; 71.11% and 72.27% respectively and the two petitioners in W.P.No.24708 of 2002, who belong to O.C. and S.C., secured 67.74% and 69.30% respectively, a lesser percentage than the one secured by the last selected candidates. Learned standing counsel would submit that the records are readily available with her which would establish that the respondent-Corporation had, in fact, undertaken the exercise of reviewing the earlier selections. Learned counsel would submit that since the selection process has already been completed, any vacancies which arise thereafter must necessarily be filled up only through a regular process of selection and candidates who had earlier not been selected cannot be appointed in any subsequent vacancies without being required to undergo the regular process of selection.

I find considerable force in this contention of the learned standing counsel. While it is not in dispute that persons who had undergone apprenticeship are entitled for preference in appointment, that does not mean that they are entitled to be appointed without undergoing a regular process of selection. It is open to the respondents to prescribe a fair and reasonable procedure and criteria for selection of candidates.

Sri C.Damodar Reddy, learned counsel for the petitioners, strenuously contends that if the respondents had, in fact, undertaken the exercise of review in compliance with the orders of this Court in **K.Ravinder** (2 supra), there would have been a specific averment in this regard in the counter affidavit. I have no reason to disbelieve the statement of the learned standing counsel that the respondent-Corporation had undertaken the exercise of reviewing the selection process pursuant to the judgment of this Court in **K.Ravinder** (2 supra) and inasmuch the petitioners are said to have secured lesser percentages, than the last selected candidates in the respective categories, I see no reason to interfere with the impugned selection process or to give a direction that the cases of the petitioners be considered for appointment.

The writ petitions are accordingly dismissed. There shall be no order as to costs. Needless to state that in case the respondent-Corporation resorts to a fresh selection process, petitioners, if eligible, shall also be considered along with other candidates.

21-02-2006

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